

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID DRONE,

Defendant.

ORDER

03-cr-089-bbc

Defendant has filed a motion for copies of documents without prepayment of costs or fees in which he asks for copies of his sentencing enhancement notice, presentence report, sentencing transcript, defense objections to the presentence report, government's response to defense objections to presentence report, the court's ruling on defense objections and the indictment. He says he needs these documents in order to file a motion to reopen his motion for post conviction relief pursuant to 28 U.S.C. § 2255.

Defendant has filed one § 2255 motion, which was denied on July 17, 2006. The time for filing a motion for reconsideration has long since passed. He cannot file another § 2255 motion unless he obtains certification for doing so from the Court of Appeals for the Seventh Circuit. Without the certification, this court has no authority to entertain another

motion for postconviction relief.

Should defendant still wish to receive copies of the sentencing documents he has requested, with one exception these documents are sealed but can be reviewed by defendant at the prison. The sentencing transcript is not a sealed document, but court's docket sheet shows that a copy of the transcript was provided to defendant on February 3, 2004.

Defendant's has requested copies of discovery materials, Rule 6 of the rules relating to § 2255 actions provides that a party is entitled to discovery only "if, and to the extent that, the judge in the exercise of [the judge's] discretion and for good cause shown grants leave." Defendant cannot make a showing of good cause because he has no proceeding pending and no likelihood of initiating a proceeding at this time.

Attached to this order are a copy of the indictment and the docket sheet for defendant.

ORDER

Defendant David Drone's motion for copies of documents is DENIED.

Entered this 1st day of February, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge